

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>GREGORY POTTER,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:04-00587</b>
	)	<b>Judge Sharp</b>
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	

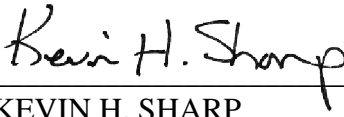
**ORDER**

On March 7, 2014, Petitioner filed a Motion to Withdraw his Motion for Writ of Error Under 28 U.S.C. § 1651 (Docket No. 59), conceding that the Government was correct that his Section 1651 Motion was in actuality a second and successive Section 2255 petition and was barred by the doctrine of laches. In reviewing the file in relation to Plaintiff's most recent motion, the Court notes that a Motion for Relief from Judgment Under Rule 60(b)(6), and a Motion for Leave to Amend Relief From Judgment Under Rule 15(a) (Docket No. 52) remain pending. It is unclear whether Petitioner's Writ of Error was intended as his amended request for relief and/or whether Petitioner intended to withdraw both motions for relief from judgment as well.

To the extent that Petitioner's Motion for Relief From Judgment (Docket No. 49) and Motion for Leave to Amend Relief (Docket No. 52) require rulings, both are DENIED. The first is denied because it (1) was not filed within a reasonable time from Judge Echols's June 8, 2005, denial of Petitioner's Section 2255 Motion; (2) raises issues that should have been raised previously and/or were actually decided by Judge Echols; (3) establishes no mistake, newly discovered evidence, or fraud as required by Rule 60(b); and (4) is in reality a second and successive Section 2255 petition

for which leave to file has not been granted. The second is denied because the matters Petitioner seeks to have reviewed were required to be asserted on appeal from Judge Echols's June 8, 2005 ruling and, like the first motion, is actually an attempt to file a second and successive Section 2255 petition for which leave has not been granted. A certificate of appealability will not issue.

It is SO ORDERED.

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE